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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,750	08/03/2001	Jeffrey H. Diamond	0136.0003C	5953

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,750

Applicant(s)

DIAMOND, JEFFREY H.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 and 59-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (5234325) in view of Werner et al (5156853).

Hill discloses a stabilized window structure having a window frame (the frame of the windshield), a shattered window pane disposed in the window frame and having an exterior surface and an interior surface exposed by the window frame, the interior surface being opposite said exterior surface, a layer of unifying material (abstract line 10-11) bonded to the at least one of the exterior surface or the interior surface, the layer of unifying material and the window pane bonded thereto forming an integral, the cohesive mass being removable from the window frame as one or more integral and unitary pieces (inherently so), the window pane is non-planar (windshield is non-planar), the window frame being disposed in a vehicle, the unifying material being a cellulosic material, the material being applied to the window pane in fluidic form and cures to form the cohesive mass, the pane having a crack therein and the material seeps into the crack when the material is applied in fluidic form and forms a structural bond at the crack when the material cures, at least one grasping member(10) secured to the cohesive mass including a handle bonded to the unifying material (at sealing time).

Hill does not show the shattered window being united in the cohesive mass.

Werner et al (5156853) shows a cohesive mass uniting a shattered window.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hill to show the shattered window being united in the cohesive mass because it would enhance the bonding of the cohesive mass to the shatter window as taught by Werner et al.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (5234325) in view of Werner et al (5156853) as applied to claim 1 above and further in view of Slavin, Jr.

Hill as modified shows all the claimed limitations except for the resin being a polymer.

Slavin Jr. discloses injected resin being polymer (col 1 lines 61-62, col 2 line 7).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hill's modified structure to show the resin being a polymer because using polymer resin is to seal cracks in a windshield is well known in the art as disclosed by Slavin Jr.

4. Claims 28-29, 31-32, 36-39, 51-55, 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (5234325) in view of Werner et al and Slavin Jr.

Hill as modified shows all the claimed limitations. The claimed method steps of stabilizing and removing a shattered window pane from a window frame would have been the obvious method steps of stabilizing and removing Hill's shattered window pane from the window frame.

5. Claims 7-16, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill(5234325) in view of Werner et al and Slavin Jr.

Hill as modified shows all the claimed limitations except for the polymeric material being polymeric foam including polyurethane, polyethylene, or polystyrene, the polymeric material

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being a polymeric film including polyvinyl, a latex, polyurethane, acrylate or cellophane, the material being cellulosic material.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hill's modified structure to show the polymeric material being a polymeric foam including polyurethane, polyethylene, or polystyrene, the polymeric material being a polymeric film including polyvinyl, a latex, polyurethane, acrylate or cellophane, the material being cellulosic material because it has been held to be within the general skill of a worker in the art to select a known material on the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Per claim 30, Hill as modified shows all the claimed limitations. The claimed method steps would have been the obvious method steps of stabilizing and removing Hill's window pane.

6. Claims 1, 22, 28, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman (1428955) in view of Foster et al (6233972).

Grossman shows a stabilized window structure having a window frame, a shattered window pane disposed in the window frame and having an exterior surface and an interior surface exposed to the window frame, the interior surface being opposite the exterior surface.

Grossman does not show the structure having a layer of unifying material adhesively bonded to at least one of the exterior surface or the interior surface, the material and the pane bonded thereto forming an integral, cohesive mass in which said shattered window is united, the cohesive mass being removable from the window frame as one or more integral and unitary

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pieces, the material being disposed over substantially the entirety of the at least one of the exterior surface or the interior surface.

Foster et al discloses having a layer of unifying material adhesively bonded to at least one of the exterior surface or the interior surface, the material and the pane bonded thereto forming an integral, cohesive mass in which the window pane is united, the cohesive mass being removable from the window frame as one or more integral and unitary pieces, the material being disposed over substantially the entirety of the at least one of the exterior surface or the interior surface to protect the pane from scratches and chips.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Grossman to show the structure having a layer of unifying material adhesively bonded to at least one of the exterior surface or the interior surface, the material and the pane bonded thereto forming an integral, cohesive mass in which the window pane is united, the cohesive mass being removable from the window frame as one or more integral and unitary pieces, the material being disposed over substantially the entirety of the at least one of the exterior surface or the interior surface as taught by Foster et al because it would further protect the shattered glass surface from scratches and chips and cracks.

Per claims 28, 35, Grossman as modified shows all the claimed limitations. The claimed method steps of stabilizing and removing a shattered windowpane from a window frame would have been the obvious method steps of stabilizing and removing Grossman's modified shattered windowpane from the window frame.

7. Claims 56-57, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanford (5603190).

Sanford shows a protected window pane having a window pane (11) having an exterior and interior surface, a layer of cover (16) disposed on at least one of the exterior surface or said interior surface to provide protection to the window pane, the cover and the pane forming a protected window pane, at least one handle (34) secured to the protected window pane, the cover securing the handle to the protected window pane.

Sanford does not show the cover being made of polymer foam, the handle being a plurality of handles.

Sanford further discloses the cover can be made of other material (col 8 lines 61-65).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Sanford to show the cover being made of polymer foam and the handle being a plurality of handles because it has been held to be within the general skill of a worker in the art to select a known material on the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8, and having a plurality of handles would enable balance moving of the cover into positions.

Sanford as modified shows the handles adhered to the foam and secured to the window pane.

Per claim 59, Sanford as modified shows all the claimed limitations except for the layer being bonded to the window pane by adhesion provided by the foam.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Sanford's modified structure to show the layer being bonded to the window pane by adhesion provided by the foam because it would enable easy secure fastening of the layer to the windowpane.

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Response to Arguments

8. Applicant's arguments with respect to claims 1, 3, 5-22, 28-32, 35-39, 51-57 have been considered but are moot in view of the new ground(s) of rejection.

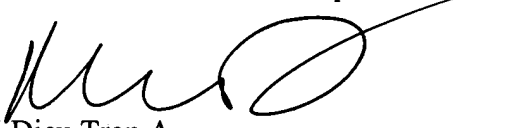
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different glass pane repairing structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Phi Dieu Tran A
November 3, 2003